

REMARKS

This amendment is offered in response to the Office Action of July 22, 2004.

In the Office Action, Claims 13-21 are rejected under 35 U.S.C. §102(b) as being anticipated by the Fujiie reference (U.S. Patent No. 5,528,569). This rejection should be withdrawn. In order to clarify feature of the present invention, we amended the independent claims.

In the presently claimed invention, when the recording of first record information (old data 40) is finished, the dummy information (dummy data) is recorded up to a part of a data unit of a next ECC block subsequent to last ECC block containing the first record information. In other words, after the recording of first record information, the dummy information is recorded (prepared) within the data unit to record the record information. As a result, the part of the data unit of the ECC block is used as the dummy information. Therefore, it is possible to more effectively utilize the record area.

On the other hand, in the Fujiie reference, each cluster C (Ck-1, Ck, Ck-2...etc) is composed of 32 sectors B0 to B31, and five linking sectors L1 to L5 are arranged beforehand between these clusters C for linking the adjoining clusters (See line 63-66 of col. 9, and FIG.3 of the Fujiie reference). However, the linking sectors is only used for recording the dummy data, that is, the linking sectors is exclusive for recording the dummy data. In the Fujiie reference, it is not mentioned that the dummy data is recorded within sectors B0 to B31 of the cluster C.

Therefore, the Fujiie reference does not disclose and suggest such idea (feature) that the dummy data is recorded within sectors B0 to B31 like the data unit to record the record information and the part of the data unit is used as the dummy data.

Furthermore, in the presently claimed invention, since the dummy information is recorded up to the part of the data unit, the recording of the dummy information ends at the predetermined position (for example, halfway) within the data unit. In addition, the second recording starts at the predetermined position (for example, halfway) within the data unit.

On the other hand, in the Fujiie reference, because all of specified sector is overwritten, the Fujiie reference does not disclose and suggest that the recording of the dummy information ends at the predetermined position within the data unit, or the second recording starts at the predetermined position within the data unit.

For all of the reasons above, it is respectfully submitted that all of the presently pending claims are in immediate condition for allowance. The Examiner is respectfully requested to withdraw the rejections of the claims, to allow the claims, and to pass this application to early issue.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gerald Levy", with a stylized flourish at the end.

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